IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

TEAMBRA JOHNSON and M.R.,	§
Plaintiffs,	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
v.	§ Civil Action No. 3:23-CV-1453-E-BH
WILLIAM LANE, DISD SCHOOL	§
BOARD MEMBERS, and	Š
UNKNOWN STUDENTS,	§
	§
Defendants.	§ Referred to U.S. Magistrate Judge ¹

MEMORANDUM OPINION AND ORDER

Based on the relevant filings and applicable law, the *Motion for the Appointment of Counsel*, filed October 31, 2023 (doc. 19), is **DENIED**.

"Absent exceptional circumstances, there is no automatic right to appointment of counsel in a civil rights case." *Wendell v. Asher*, 162 F.3d 887, 892 (5th Cir. 1998); *FTC v. Assail, Inc.*, 410 F.3d 256, 267 (5th Cir. 2005) (litigants in a civil case have no right to the appointment of counsel); *U.S. v. 16,540 in U.S. Currency*, 273 F.3d 1094, *1 (5th Cir. 2001) (per curiam)("[t]here is no automatic right to the appointment of counsel; and in a civil case a federal court has considerable discretion in determining whether to appoint counsel.") (quoting *Salmon v. Corpus Christi Indp't Sch. Dist.*, 911 F.2d 1165, 1166 (5th Cir.1990)). Courts in this circuit consider four factors in determining whether an *in forma pauperis* case presents "exceptional circumstances" that justify the appointment of counsel. *See Gonzales v. Carlin*, 907 F.2d 573, 579-80 (5th Cir. 1990) (citing *Ulmer v. Chancellor*, 691 F.2d 209 (5th Cir. 1982)). These factors include:

(1) the type and complexity of the case; (2) whether the indigent is capable of adequately presenting his case; (3) whether the indigent is in a position to investigate adequately the case; and (4) whether the evidence will consist in large part of

¹By Special Order No. 3-251, this pro se case has been automatically referred for full case management.

conflicting testimony so as to require skill in the presentation of evidence and in cross examination.

Id. at 579; see also Cooper v. Sheriff, Lubbock County, Tex., 929 F.2d 1078, 1084 (5th Cir. 1991)

(quoting *Ulmer*, 691 F.2d at 213)). Courts should generally make specific findings on each of these

factors. Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986).

At this early stage of the litigation, the plaintiff has failed to show that counsel should be

appointed. Her pleadings and written submissions reflect some understanding of court rules and

procedures. The issues in the case are fairly straightforward and not complex. At this time, it is

unclear whether the evidence in this case will consist of conflicting testimony so as to require skill in

the presentation of evidence and cross-examination or whether the appointment of counsel will shorten

trial or assist in a just determination. If the case proceeds to trial, the Court may on its own motion

reconsider whether the circumstances warrant appointing counsel at that time.

The motion for appointment of counsel is **DENIED**.

SO ORDERED on this 2nd day of November, 2023.

RMA CARRILLO RAMIREZ

UNITED STATES MAGISTRATE JUDGE